

BOARDS AND COMMISSIONS
Board of Licensure for Professional Art Therapists
(New Administrative Regulation)

201 KAR 34:070. Inactive status.

RELATES TO: KRS 309.1315(17)

STATUTORY AUTHORITY: KRS 309.1315(1), (17)

NECESSITY FUNCTION AND CONFORMITY: KRS 309.1315(1) requires the board to promulgate administrative regulations necessary to carry out the provisions of KRS 309.130 to 309.1399. KRS 335.1315(17) requires the board to establish conditions for inactive status and return to active status for license holders. This administrative regulation establishes the conditions for inactive status and return to active status for license holders.

Section 1. Request for Inactive Status. (1) A licensee may request that the licensee's license be placed on inactive licensure status by submitting to the board a written request for the licensee's license to be placed on inactive status.

(2) Upon the board granting the request for inactive status, the licensee shall be relieved of the licensee's obligation to pay the license renewal fee established in 201 KAR 34:020 for the licensee's license level.

Section 2. Inactive Status. (1) While on inactive status, the licensee shall meet the requirements for continuing education as established in 201 KAR 34:030.

(2) The licensee may remain on inactive status for two (2) years, unless an extension of time is granted under Section 3.

(3) The two (2) year period of inactive status shall begin when the Board grants the request for inactive status.

Section 3. Extension of Inactive Status. (1) A licensee whose license is on inactive status may request one extension, not to exceed two (2) years, of the inactive-license status for an undue hardship or an extenuating circumstance such as a prolonged illness, loss of a job, or an inability to competently engage in the practice of professional art therapy.

(2) The licensee shall submit to the board:

(a) A written request to continue the license on inactive status;

(b) An explanation of the undue hardship or extenuating circumstance; and

(c) A copy of continuing education certificates of completion or attendance, awarded to the licensee during the period of inactive status, to show proof of continuing education requirements for renewal as established in 201 KAR 34:030.

(3) The extension request shall be received by the board no sooner than ninety (90) days and no later than sixty (60) days before the end of the two (2) year period of inactive status.

Section 4. License Expiration. If the licensee does not submit a request for extension of the inactive-license status or the licensee fails to reactivate the licensee's license before the license expiration date, the license shall expire.

Section 5. Return to Active-License Status. (1) At any time within the two (2) year period of being granted inactive-licensure status, a licensee may request the licensee's license be returned to active status by submitting to the board:

(a) A written request to the board to return the licensee's license to active status;

- (b) Payment of the current license renewal fee as set forth in 201 KAR 34:020; and
- (c) A copy of continuing education certificates of completion or attendance, awarded to the licensee during the period of inactive status, to show proof of continuing education requirements for renewal as established in 201 KAR 34:030.

(2) If the licensee returns to active status, the licensee's renewal date shall be the date of return to active status.

Section 6. Renewal of Expired License. Following expiration of a license under Section 4 of this administrative regulation, a licensee who desires to practice professional art therapy in Kentucky shall:

- (1) File with the board the appropriate application for licensure under 201 KAR 34:024;
- (2) Pay the initial fees for application and licensure under 201 KAR 34:020; and
- (3) Meet current requirements for initial licensure, as established by statute and administrative regulation.

Section 7. This administration regulation does not apply to a licensed professional art therapist or a licensed professional art therapist associate, who under KRS 309.1335(4), enters into retirement status or wishes to resume practice after a period of retirement.

JUDITH MAGDER, LPAT, Chair

APPROVED BY AGENCY: April 13, 2021

FILED WITH LRC: April 14, 2021 at 12:29 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD

A public hearing on this administrative regulation shall be held at 10:00 AM on June 23, 2021, at 500 Mero Street, 206NW, Frankfort, Kentucky 40601. In the event the declaration of a State of Emergency in Executive Order 2020-215 and the State of Emergency Relating to Social Distancing in Executive Order 2020-243 are not rescinded by June 23, 2021, this hearing will be done by video teleconference. Members of the public wishing to attend may utilize the following link: Zoom Link to Join from PC, Mac, Linux, iOS or Android: <https://us02web.zoom.us/j/81525944122?pwd=bDR3K1p0N1FXOW5FeTFld2gwckNLUT09>, Password: 439126, Or Telephone: Dial: USA 713 353 0212, USA 8888227517 (US Toll Free), Conference code: 639497, Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through 11:59 PM on June 30, 2021. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person below.

CONTACT PERSON: Shan Dutta, Attorney for the Board of Licensure for Professional Art Therapists, 500 Mero Street, 218NC, Frankfort, Kentucky 40601, phone (502) 782-0766, fax (502) 564-4818, email sdutta@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Shan Dutta

- (1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the conditions for inactive status and return to active status for license holders.

(b) The necessity of this administrative regulation: The administrative regulation is necessary under KRS 309.1315(17), which requires the Board to establish the conditions for inactive status and return to active status for license holders.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 309.1315(17) requires the Board to establish conditions for inactive status and return to active status for license holders. This administrative regulation conforms to the content of KRS 309.1315(17) by establishing the conditions for inactive status and return to active status for license holders.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation assists in the effective administration of the authorizing statutes by establishing the conditions for inactive status and return to active status for license holders.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This is a new administrative regulation.

(b) The necessity of the amendment to this administrative regulation: This is a new administrative regulation.

(c) How the amendment conforms to the content of the authorizing statutes: This is a new administrative regulation.

(d) How the amendment will assist in the effective administration of the statutes: This is a new administrative regulation.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This administrative regulation will affect persons licensed by the Kentucky Board of Licensure for Professional Art Therapists. As of November 18, 2020, there are 122 active Licensed Professional Art Therapists and 54 Licensed Professional Art Therapists Associates.

(4) Provide an analysis of how the entities identified in the previous question will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions each of the regulated entities have to take to comply with this regulation or amendment: In order to go on inactive status and return to active status, the license holder will be required to comply with 201 KAR 34:070. This will include: submitting a written request to be placed on inactive status and meeting the requirements for continuing education while on inactive status; making a written request for an extension within a certain time period if the licensee wants to extend the time period of the inactive status due to undue hardship or certain extenuating circumstances, with proof of completion of continuing education; making a written request to return to active status, with payment of the current license renewal fee and proof of completion of continuing education; in the event a license expires because a licensee fails to submit an extension request or a license reactivation request, a licensee who desires to practice professional art therapy shall file an application for licensure, pay the fees for application and licensure, and meet current requirements for licensure."

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities: In complying with this administrative regulation, there is no additional cost.

(c) As a result of compliance, what benefits will accrue to the entities: As a result of compliance, licensees will be able to go into inactive status rather than surrendering their license.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: Initially, there is no additional cost to the administrative body to implement this administrative regulation.

(b) On a continuing basis: On a continuing basis, there is no additional cost to the administrative body to implement this administrative regulation.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The board's operation is funded by the registration fees paid by licensees and applicants.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase in fees is necessary.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: The administrative regulation did not establish any fees or increase any fees.

(9) TIERING: Is tiering applied? Tiering was not applied as the criteria apply to all licensees.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

(1) What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Kentucky Board of Licensure for Professional Art Therapists will be impacted by this administrative regulation.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 309.1315(1), (17)

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect. If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? This regulation will not generate revenue for state or local government.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? This regulation will not generate revenue for state or local government.

(c) How much will it cost to administer this program for the first year? There will be no additional cost to administer this program.

(d) How much will it cost to administer this program for subsequent years? There will be no additional cost to administer this program.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-): Neutral

Expenditures (+/-): Neutral

Other Explanation: None